

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COMMUNITY FIRST CREDIT UNION,

No. C 10-3743 SI; No. C 10-5424 SI

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR ATTORNEY'S FEES  
AND COSTS**

v.

J.L. CHANDLER,

Defendant.

The Court has reviewed defendant's response to the Order to Show Cause why fees and costs in the amount of \$3,425 should not be awarded. Defendant, now represented by counsel, states that defendant removed this unlawful detainer action under the mistaken belief that the forum was appropriate for her action, and that at the time of the removal defendant was receiving incorrect legal advice.

The Court has "wide discretion" under 28 U.S.C. § 1447(c) to award fees and costs. *Moore v. Permanente Med. Gp.*, 981 F.2d 441, 447 (9th Cir. 1992). In light of defendant's *pro se* status at the time of the improper removal, as well as defendant's response to the Order to Show Cause, the Court exercises its discretion and DENIES plaintiff's request for attorneys' fees and costs. Defendant is advised that in the event defendant improperly removes another unlawful detainer action to this Court, the Court would be inclined to grant the plaintiff's request for fees and costs.

**IT IS SO ORDERED.**

Dated: January 24, 2011

  
SUSAN ILLSTON  
United States District Judge

**United States District Court**  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28